

IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF ALABAMA NORTHERN DIVISION  
2008 MAR 14 A 9:56

ROBERT LEE ALLEN,  
Plaintiff,

DEBRA P. HACKETT, CLERK  
U.S. DISTRICT COURT  
MIDDLE DISTRICT ALA

V.

2:08-cv-134-WKW

LOWNDES DEPUTY, BIRTLEY  
Defendant.

MOTION OF OBJECTION AN MOTION FOR THE  
COURT TO TAKE JUDICIAL NOTICE TO  
SUPPORT OBJECTION

COMES NOW, the Plaintiff, Robert Lee ALLEN, pro se  
In the above styled cause and would Respectfully  
ask the Honorable Court to take judicial Notice  
to Support this objection, plaintiff show as follows:

1.) The plaintiff, Allen would state to this Honorable  
Court that he tried to Exhaust all Remedies  
before filing this Instant Complaint by trying  
to Amend Deputy Birtley to one of his pending  
cases, and strike the name Deputy OJ. Strothers  
from all instant Complaints.

- 2.) The Plaintiff, Allen, Objects, and ask the Honorable Court to take judicial Notice of its Case action Summaries of the following pending cases :  
2:07-cv-928-MHT, and 2:07-cv-982-WKW  
2:07-cv-90-ID
- 3.) See, Case action Summary of 2:07-cv-982-WKW take Notice of these Motions submitted. the following (#) no. are 11, 12, 18, and 20, where the plaintiff Allen, was promptly denied repeatedly.
- 4.) The plaintiff, Allen, would like the Court Records to reflect that the plaintiff was given the wrong name of the Deputy that transported him on February 7, 2007, Deputy OJ. Strothers is the INCORRECT Name, And Lowndes Deputy Birtley is IN FACT the Correct name of the Lowndes Deputy that transported, Allen, and that is the PRIMARY Reason he stated in his Motions to Strike OJ. STROTHERS name, and Amend Original 1983 Complaint with Deputy Birtley but was denied, promptly.
- 5.) The plaintiff, denies that he acted in the Manner of Malicious, he States that in order for the truth to come to a full Circle, he had to file this Instant Complaint.

DEPUTY BIRTLEY, MUST BE A PART OF THIS INSTANT Complaint, whether in his individual Capacity in Case no. 2:08-cv-134-WKW, or a party to Case no. 2:07-cv-928-MHT.

6.) See, ROSS V. NEFF 905 F.2d 1353-54,  
Violated the fourth Amendment  
See, Title 11-40-10, and Title 6-5-338, Jurisdiction

7.) See, Exhibit "A" of civil action 2:07-cv-982  
I Request the Honorable Court to Review this  
AUTAUGA, ALABAMA UNIFORM ARREST REPORT dated  
February 7, 2007, NO WHERE ON THIS ARREST  
REPORT DO YOU SEE LOWNDES COUNTY SHERIFF  
DEPARTMENT TRANSFERRING THE PLAINTIFF  
ALLEN TO AUTAUGA COUNTY CUSTODY.

8.) NOW LOOK AT THE LOCATION OF ARREST OF  
ROBERT L. ALLEN, Highway 80, and Highway 85  
is at least (7) seven miles apart with  
INTERSTATE 65 Dividing the (2) two  
Highways Apart.

9.) I Respectfull ask the Honorable Court to  
Review, Exhibit "B", Lowndes County Arrest Warrant  
WR-06-434. Do you see this pattern.

10.) See, Exhibits "C," "D," "E," "F," "G," "H," "I," and "J" of case no. 2:07-CV 982-WKW.

11.) see, All Exhibits of 2:07-CV-928-MHT, and (2:07-CV-90-ID, "C" "D" "F" "G"

12.) The Plaintiff, was only following the instruction of the 1983 form, by stating the facts as it happen, an was unaware at what he was doing fell in the alleged Category of "Malicious" Deputy Birtley, participated and had a role in allegedly violating the plaintiff Constitutional and Civil Rights and thus should be held responsible for his actions.

WHEREFORE, premises considered, the plaintiff would further Respectfully Request that this Honorable Court let this case proceed.

### CERTIFICATE OF SERVICE

I hereby Certify that I have served a Copy of the above and foregoing upon the Hon. Joseph Hubbard, by placing a copy of same in U. S. Mail, postage prepaid, on this the 13 day of March 2008.

Robert L Allen  
136 N. Court St  
Prattville, AL 36067-3002

Pro se Robert Allen

MR. Robert Allen, pro se  
136 N. Court St  
Prattville, AL 36067-3002

MONTGOMERY AL 361

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Hon. Debra Hackett  
UNITED STATES DISTRICT COURT  
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